



Caleb L. McGillvary, Pro Se
#1222665/SBI#102317G NJSP
PO Box 861 Trenton, NJ 08625

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

Caleb L. McGillvary)
PLAINTIFF) CIVIL ACTION NO.
V.) 2:23-cv-01195-JLS-SK
Netflix et al) Hon. Josephine L. Staton, USDJ
DEFENDANT) Hon. Steve Kim, USMJ
) Motion Date: To be determined
) by the Court
)
)

DECLARATION IN SUPPORT OF REQUEST FOR CROSS-EXAMINATION OF
DECLARANT UNDER L.R. 7-8

I, Caleb L. McGillvary, hereby declare pursuant to 28 U.S.C. 1746 the following:

- 1.) I am the pro se plaintiff in the above-captioned matter.
- 2.) On or about January 17, 2024, Defendant Jeff Stricker, through his counsel, sent me a declaration by Scott C Hawkins in support of his iso ex parte application for extension of time.
- 3.) I received the declaration in the due course of mail.
- 4.) In the declaration, Scott C Hawkins declares under penalty of perjury that he is "informed and believe that the U.S. Marshal attempted personal service upon Defendant Stricker ... through delivery of ... certain case documents with the case number of this matter, but that did not include a valid summons or copy of any 'complaint' in this matter, on or about December 27, 2023."
- 5.) On January 16, 2024, the U.S. Marshal filed a process receipt and return indicating that the Marshal served both the summons and first amended complaint upon Jeff Stricker personally. ECF 82.
- 6.) Based upon the facts in "2"--"5" above, it appears as though Scott C Hawkins' declaration is contradicted by the U.S. Marshal's filing. It is therefore necessary to cross-examine him to determine whether his declaration constitutes fraud upon the Court, or whether his source of "information" is attempting fraud upon the Court.
- 7.) I am currently incarcerated at N.J. State Prison, 3rd

& Federal Streets, Trenton, NJ 08625. This facility is equipped with video conferencing equipment, and it is therefore feasible to conduct cross examination by video conference of Scott C Hawkins. An order by the Court will need to issue to the prison for the prison to make arrangements for this to happen.

8.) For all the foregoing reasons, I request that the Court issue an order directing the NJ State Prison to arrange for a video conference on the day of a hearing, the date and time of which to be determined by the Court; and commanding Scott C Hawkins to attend said hearing and to be cross-examined concerning his declaration thereat.

I declare under penalty of perjury that the foregoing statements are true and accurate.

Executed this 29 day of JANUARY, 2024
Date: 1/29/24 

Caleb L. McGillvary, ProSe
#1222665/SBI#102317GNJSP
PO Box 861, Trenton, NJ08625

□